

# SENATE BILL REPORT

## SB 5275

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As Reported By Senate Committee On:  
Human Services & Corrections, February 1, 2007

**Title:** An act relating to establishing a work group to ensure seamless access to information for all background checks for noncriminal justice purposes.

**Brief Description:** Establishing a work group to ensure seamless access to information for all background checks for noncriminal justice purposes.

**Sponsors:** Senators Kohl-Welles, Brandland and Hargrove.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/23/07, 2/01/07 [DPS].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5275 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Marr and McAuliffe.

**Staff:** Indu Thomas (786-7536)

**Background:** Background checks are conducted for employment and licensing decisions and many other purposes related to the security of persons and property. In recent years, reports of abuse of children and vulnerable adults have led to increased requirements for background checks for anyone who works with children or vulnerable adults. Background checks conducted through the Washington State Patrol include information regarding criminal adjudications. Background checks are also available through private data mining companies. The reports provided by private entities have come to include information regarding civil adjudications as well as criminal history record information.

The Joint Task Force on Criminal Background Check Processes was established in 2004 by ESHB 2556 (Chapter 41 of the Laws of 2004). This task force met for three years and considered how to improve the state's criminal background check processes. The task force discovered that there is variance in how authorized agencies, such as the Department of Social and Health Services (DSHS), the Department of Health, and the Department of Licensing obtain criminal background records on their employees or on persons who contract or are licensed by them. The members of the task force received information regarding the federal and state laws regarding sharing confidential information of prospective employees of public and private entities which work with vulnerable adults or children. The task force

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recommended the establishment of a work group to explore ways which would ensure consistent and equivalent access to information for all background checks for noncriminal justice purposes.

**Summary of Bill:** DSHS is required to convene a workgroup to research state and federal laws regarding background checks. The workgroup is to include representatives of DSHS, the Department of Early Learning, the Office of the Superintendent of Public Instruction, the Department of Licensing, the Washington State Patrol, the Civil Rights Committee of the Washington State Bar Association, the Washington Association of Criminal Defense Attorneys, the Washington Association of Sheriffs and Police Chiefs, the Superior Court Judges Association, and the Administrative Office of the Courts. The group must also include, as non-voting ex officio members, representatives from the two largest caucuses in the House of Representatives and the Senate. The group is required to make recommendations to the Legislature and the Governor regarding improving processes for sharing confidential information. These recommendations will also include an analysis of the feasibility of creating a clearinghouse of information. The report of the workgroup is due to the Legislature by November 1, 2007.

**EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Human Services & Corrections):** The substitute:

- adds a representative of the Department of Information Systems to the workgroup;
- extends the time for the workgroup through November 2008;
- requires an Interim report to the Legislature and the Governor in December 2007; and
- adds a "Null and Void" clause.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Over the past three years it has become apparent that more must be done to address the safety of children and vulnerable adults. There are a great number of redundancies and contradictions in the state statutes regarding confidentiality and background checks. The real challenge is to provide public and private entities with the information they need to make the best decisions regarding hiring employees who work with children and vulnerable adults. This information is not easily shared between entities. These difficulties led to the idea of convening a workgroup of state agencies and others who deal directly with these issues. These state agencies are in the best position to address this complicated issue and provide recommendations that balance the privacy interests of individuals including domestic violence victims with the need to protect children and vulnerable adults.

OTHER: DSHS does support the concept of the work group. DSHS has two primary concerns: (1) it would require additional resources not in the Governor's budget to take the role described in the bill; and (2) the timeframe included in the bill as drafted is insufficient to accomplish the task set out for the group.

**Persons Testifying:** PRO: Senator Kohl-Welles, prime sponsor; Margo Logan, citizen.

OTHER: Kathleen Brockman, Department of Social and Health Services.